

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – March 14, 2006 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Kristie Overson, Chair
Ted Jensen
Scott Bolton
Blaine Smith
Dama Barbour
Robert Daniels
Angelo Calacino

Excused: Joan Rushton-Carlson

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Nick Norris, City Planner
Jean Gallegos, Admin Asst/Recorder

PUBLIC: Cathie Cox, Denis Morrill, Bob Roberts, Kay Roberts, Douglas Arnesen, Diane Cliff Lewis, Doug Benz, Scott Farrell, Marty Price, Audrey Price, Joseph Burris, Steve Runyan, Dana Runyan, James Riche, Robert Larsen, James Papastamos, Carmen Jaramillo, Pritty Oseguera, George Sehara, Janet Sehara, Tim Kehl, Dale Kehl, Dean Erickson.

18:57:43

WELCOME: **Commissioner Overson** welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. She outlined the items on the Consent Agenda and asked if there were anyone in the audience wishing to speak to any of them. Due to concerns expressed by citizens, Items 2, 5 and 6 will be moved to the regular session.

CONSENT AGENDA

1. Minutes for January 24 and February 28, 2006	Approved as presented.
2. 3C06 – <u>George and Janet Sehara – 2265 W. Wandsworth Circle (4665 S.)</u> – Animal Hobby Permit. (Dan Udall/Planner)	Removed from Consent Agenda for hearing for citizen comment.
3. 7C06 – <u>Christina Chambers (Quick Loan) – 3145 W. 5400 S.</u> – Check Cashing Facility. (Nick Norris/Planner)	Approved with staff recommendations.
4. 8C06 – <u>Cathie Cox – 1431 W. Bluemont Drive (6535 S.)</u> – Animal Hobby Permit. (Michael Maloy/Planner)	Approved with staff recommendations.
5. 3D06 – <u>Denis Morrill – 6016 S. 2200 W.</u> – Deep Lot development (One Lot). (Michael Maloy/Planner)	Removed from Consent Agenda for hearing for citizen comment.
6. 5S05 – <u>Bob and Kay Investments – 4795 S. 3600 W.</u> – Six lot residential subdivision (Preliminary) (Nick Norris/Planner)	Removed from Consent Agenda for hearing for citizen comment.

MOTION: **Commissioner Daniels** – I move that Items 2, 5 and 6 be moved to the regular session for hearing.

SECOND: **Commissioner Calacino.**

VOTE: All Commissioners voted in favor. Motion passes unanimously.

MOTION: **Commissioner Calacino** – I make a motion to approve the Consent Agenda containing Items #1 (Minutes from January 24 and February 21, 2006), #3 and #4

SECOND: **Commissioner Bolton 19:01:48**

VOTE: All Commissioners voted in favor. Motion passes unanimously.

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| 2. 3C06 <u>George and Janet Sehara, 2265 W. Wandsworth Circle (4665 South)</u>
Dan Udall/Planner. Presentation by Michael Maloy/Planner. |
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#2. Mike oriented. [19:02:26](#). Three dogs. Located on a corner lot. Requesting two mixed breeds and one Fox Terrier. Correction in staff rec. [19:03:43](#)

2.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant wishes to have three dogs consisting of two mixed breeds and one Fox Terrier on a corner lot. According to the applicant, the dogs remain indoors most of the time. **Staff recommends approval with the following conditions:**

1. **[Changed by Motion]** That the use is ~~reviewed upon by~~ compliant with all requirements of applicable reviewing agencies
2. Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by Staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.
3. Property violations (if any) must be resolved prior to issuance of an animal hobby permit.
4. The applicant needs to apply to all requirements that are applicable under Chapter 8 (animal permit regulations).

2.2 **APPLICANT ADDRESS:** George and Janet Sehara were present but did not speak.

2.3 **SPEAKING:** **Tiffany Alderage** [19:04:33](#) expressed concern that she has had to call Animal Control for protection against aggressive dogs in the neighborhood, however, not specifically relative to Mr. Sehara's property.

2.4 **DISCUSSION:** **Commissioner Barbour** [19:05:32](#) felt there was a compliance problem in the neighborhood but it did not apply to this particular property owner and suggested to Mrs. Alderage to contact the City offices relative to the animal problems within her neighborhood. **Commissioner Overson** commented that according to Staff, no calls had been received specific to this property. [19:06:36](#)

2.5 **MOTION:** **Commissioner Daniels** – I move for approval of File #3C06, Animal Hobby Permit, with the four listed staff conditions. [19:06:56](#)

SECOND: **Commissioner Calacino**

Commissioner Overson restated the motion, to approve File #3C06 based on the findings of facts contained in the staff report and seconded by Commissioner Calacino. **Commissioner Jensen** suggested altering Condition #1, so that it reads that the use is compliant with all requirements of applicable reviewing agencies. [19:07:40](#) **Commissioner Daniels** was in agreement with that change.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

Agenda Item #3 was heard on the Consent Agenda. (Staff report with conditions on file)

Agenda Item #4 was heard on the Consent Agenda. (Staff report with conditions on file)

DEEP LOT

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| 5. 3D06 Dennis Morrill, 6016 S. 2200 W. – Deep Lot Development (One Lot).
(Michael Maloy/City Planner) |
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5.1 **Mr. Maloy** [19:08:42](#) oriented on the site plan, aerial map and images. The applicant has submitted application for a deep lot development on property that fronts on a private road and contains 28,700 square feet or .66 acre. The Taylorsville City Code allows single family residential development in the A-1 Agricultural Zone as a permitted use on 10,000 square foot lots that front on a public right-of-way. However, City Code 13.40.090 permits an exception for single-family residential development fronting on a private right of way with a minimum lot size of a half acre. Applicant has indicated that in the future he may add guest quarters over the garage. **Based on applicable zoning regulations and the deep lot development policy, staff recommends preliminary approval with the following conditions:**

1. Receive approval from all applicable agencies of the City such as the Unified Fire Authority, Building Division, etc.
2. Staff shall administrate final review of the application.

5.2 **DISCUSSION:** **Commissioner Calacino** asked about the status of the drainage issues previously discussed with regard to this area. [19:11:17](#). **Mr. Maloy** replied that Surrey Road is not completely finished yet and the water that collects at the end of that road does not discharge anywhere. The City Engineer has proposed a new

concrete waterway that would carry that water to the southeast along the road underground in a pipe to be discharged into the box at 2200 West and subsequently to the Canal. The City Engineer felt there were certainly other alternatives to solve the discharge/ponding problem but that the one proposed by the applicant meets City standards. [19:13:01](#) **Commissioner Calacino** questioned the setbacks for the home with the way it was proposed on the site plan. [19:13:57](#) **Mr. Maloy** commented that this is obviously a very unusual parcel and there is a home already existing, however, regardless of the building orientation, the determination was made as to what constituted the front of the home and the front yard setbacks would be taken from the corner of the home.

5.3 **APPLICANT ADDRESS:** **Mr. Morrill** was present but did not speak.

5.4 **SPEAKING:**

1. [19:15:00](#) **Pritty Oseguera** (Lives right next to the lot). She did not disapprove of the plan but was still concerned about the inadequate drainage system. That in 1995 when her son built his home there the County requested a deposit of \$1, 890.26 and was promised by the County that a storm drain box would be installed on their side of the fence within ten years, otherwise the deposit, with interest, would be refunded. Nothing happened. In the meantime, Taylorsville incorporated and Salt Lake County turned the deposit, plus interest, over to the City of Taylorsville. The ten year deadline occurred on June 29, 2005. In August 2005, she contacted Taylorsville and spoke to Mr. Gordon Haight (City Engineer), who informed her that he felt the responsibility of that drainage system laid with the City of Taylorsville and it should cost her nothing and she should get her deposit back. Nothing happened and in September 2005, she contacted Mr. Haight and was informed to request her refund in writing, which she did immediately. She was told that whether she got her refund or not depended on what happened with the Morrill's building application, which at that time was in limbo. He said that if the Morrill's paid for their drainage fees, then her deposit would be refunded because it meant the City was responsible for the drainage. In October 2005, she received a letter from Mayor Auger denying the request for refund. The Mayor's exact words were: [19:18:26](#) "Taylorsville has determined not to refund the money. For your information, if Taylorsville refunded the money, it would have to charge you your share of the improvement at today's cost, which would be more than the amount paid to the County." **Mrs. Oseguera** continued to say that she felt that was a double standard in that the drainage being provided to Mr. Morrill is at no cost and yet she had to pay for hers. She was not happy with the 4' cement gutter being proposed to take care of the drainage and alluded to the fact that Mr. Morrill built a dam and created a pond where snakes and vermin congregate. **Mr. Haight** promised to do something about this but subsequently informed her that the City did not have the money to do her lot. **Mrs. Oseguera** felt she was being discriminated against by the City and asked for fair and equitable treatment. [19:21:54](#)
2. [19:18:26](#) **Mr. Morrill** commented that the drainage situation has been like that for over 30 years and was created by the original subdivision. He would have preferred the drainage box be placed where Mrs. Oseguera suggested it but did not have a say in that matter. **Commissioner Barbour** [19:23:52](#) asked Mr. Morrill if it would also help the neighbors where the box is being placed and he replied that it would drain it but between his property line and where the pavement on Surrey Road ends there is a spot where someone tried to build a self-drain system by digging a hole and filling it with rocks. [19:24:15](#) He did not feel it would work in the 30' feet of clay is the composition of the soil in this area. It should be paved in order to fix it properly.

5.5 **CLOSED FOR PLANNING DISCUSSION OR A MOTION:**

- [19:25:14](#) **Commissioner Overson** commented that the Planning Commission isn't involved with the financial aspect of these issues but urged Mrs. Oseguera to contact her Councilman and/or the Mayor to seek resolution of that matter.
- [19:26:19](#) **Commissioner Calacino** asked that someone speak to the issue of fees or bonding for storm drain improvements for this subdivision. [19:26:42](#) **Mr. Maloy** advised that the applicant has paid appropriate fees and there has been discussion on whether or not to bond for improvements. The City Administration subsequently decided to enter into a development agreement with Mr. Morrill.
- [19:28:12](#) **Commissioner Jensen** asked for clarification of the road issue. [19:28:24](#) **Mr. Maloy** advised that when the Planning Commission originally saw this project, it was assumed that the road would extend all the way to Surrey Road with a crash gate at the end. It was subsequently determined to end the road with a hammerhead instead. [19:29:28](#) There are swales presently in place to handle drainage. **Commissioner Jensen** asked what will happen when the flow gets to the end of the road.

Mr. Maloy commented that it is a very modest grade but based on engineering designs, as long as it is maintained and free of debris, it will work. The concrete box at the top of 2200 West had to be lower, with a pipe connected into that box. It is all underground except for the swales along the new private road. [19:31:51](#)

- [19:32:03](#) **Commissioner Smith** asked about the status of possibly connecting this road to Surrey Road. [19:32:23](#) **Mr. Maloy** advised that had been a motion of the Planning Commission, however, the applicant filed an appeal and the Mayor granted an exception to not require the connection to Surrey Road.

5.6 **MOTION: Commissioner Barbour - 19:33:34 - Simply reviewing what we have in front of us, I move that File 3D06 be approved for the deep lot development with staff's two recommendations.**

SECOND: Commissioner Calacino. 19:34:13

VOTE: All Commissioners voted in favor. Motion passes unanimously

6. 5S05 Bob and Kay Investments, 4795 South 3600 West – Six Lot Subdivision. (Nick Norris/City Planner)

6.1 **Mr. Norris** oriented on the site plan, aerial map and images. [19:35:14](#) . **Mr. Norris** advised that in 2005, the Planning Commission granted preliminary approval of a five lot residential subdivision on this parcel. Two landlocked pieces of property were located to the south of the five lot subdivision. The applicant created a hammerhead that would enable the two lots to have access onto 3600 West. Since that approval, the applicant has purchased the two lots in question and would like to use that land to add one additional lot to his subdivision, therefore, is asking for an amendment to the original approval. **Staff recommends approval with the following conditions:**

1. The applicant receives approval from all applicable agencies.
2. That the subdivision receives final approval from City Staff.
3. If any land is to be dedicated, then the subdivision shall be recorded by plat map that meets all state, county and city requirements. The recording instrument shall be consistent with City requirements, including any notes that are required by the Planning Commission and also with the requirements of the Salt Lake County Recorder's Office.
4. That the project receives storm drain approval from the City Engineer.
5. That the developer bonds for any street improvements, if necessary, and pays storm drain fees before recording the subdivision.
6. That all street improvements required by City Ordinance will also be installed to City standards. This includes all sidewalks, park strips, curbs, gutter, street surface, curb ramps and tie ins to existing improvements.
7. That the applicant plants at least two trees per lot along the private road.
8. That the proposed subdivision obtains approval from the Building Department on grading requirements.
9. Any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded with the Salt Lake County Recorder's Office.

6.2 **DISCUSSION: 19:37:47 Commissioner Calacino** said he thought the lot area had to meet the minimum requirements of the zone, less the private right-of-way. **Mr. Norris** advised that the policy is unclear on that and it has been done both ways in the past. [19:38:38](#) **Mr. McGrath** commented that the policy is not clear in our ordinance and the standard practice through the history of the City is that private lanes are not excluded from the overall lot area, but public roads are. This will be clarified with the new ordinance.

6.3 **APPLICANT ADDRESS: Bob and Kay Roberts** were present but did not speak.

6.4 **SPEAKING: Douglas Arneson. 19:39:13. Mr. Arneson** furnished the Commission with a list of his questions, which he asked the Commissioners to give serious thought to. [19:39:58](#) **Mr. Norris** addressed Mr. Arneson's questions and objections as follows:

1. *The statement on the notice is that the Taylorsville Planning Commission granted preliminary approval for a 5 lot subdivision. Is the application for a change in the zoning of the total property or has the previous approval been submitted to the City Council and approved?* **Mr. Norris:** Zoning is R-1-8 and it is in place. This application in no way changes the zoning of the property. Each subdivision in an R-1-8 zone must meet the minimum requirement of that section of the Zoning Ordinance that deals with the R-1-8 zone.
2. *If the applicant is granted approval for a zone change based on the preliminary plans of the zone change, if approved by the City Council, as I understand preliminary plans are not set as a final requirement for the property to be developed, is this correct?* **Mr. Norris:** Preliminary approval is simply that, preliminary. Nothing is finalized and recorded until final approval is granted by the City. A subdivision is an administrative act which does not require City Council review.
3. *Other property, two lots to the south (4809 South) has a driveway which goes along the north of that property which could illegally be used to access the newly acquired property in question.* **Mr. Norris:** One requirement for any new subdivision, is there must be a perimeter fence surrounding it. The two lots to the south will not have an illegal access to another property without some sort of approval from the City. If they do, they are violating City ordinance and will be appropriately dealt with.
4. *If approval is given on the complete project, with only a zone change, and no final building lot and road design agreement as proposed, the applicant could change the final plans.* **Mr. Norris:** Under the Zoning Ordinance, up to three lots that are under one half acre in size, can be accessed by a private road. Unless the ordinance changes or a second access is legally obtained from another property, Lot #6 cannot be further subdivided to 8,000 square foot lots.
5. *If final approval is given and the 25 foot roadway is in place, how does the City enforce a posting of the roadway to require no parking along the roadway?* **Mr. Norris:** As far as the roadway being signed, when the road goes in, the applicant is required to have inspections of the road, etc., and all requirements placed on it by the various agencies, including the Fire Department. Those standards require marking streets that are 27' in width with no parking signs, so there will be signs posted.
6. *If the roadway is blocked and an emergency takes place requiring fire protection services from the City but cannot give services because of a blocked roadway, whom is legally liable for the damage of the fire due to lack of fire protection services access to the problem area?* **Mr. Norris:** There is a change that a roadway could be blocked in case of emergencies and could happen on any other roadway as well.

6.4 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR A MOTION:**

6.5 **MOTION: Commissioner Bolton - If there is no further discussion, I would like to make a motion for approval of Application #5S05, adding the additional lot with Staff's nine recommendations as stated in the Staff report, findings of facts and testimony heard this evening.**

SECOND: Commissioner Calacino

Commissioner Overson restated the motion. 19:46:29

VOTE: All Commissioners voted in favor. Motion passes unanimously.

HOME OCCUPATION

7. 8H06 <u>Carmen Jaramillo, 3523 W. 4850 S.</u> – Family Day Care. (Nick Norris/City Planner)

19:47:56

7.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant has indicated that up to 12 children would be attending the proposed day care, with hours of operation being 6:00 a.m. to 6:00 p.m., Monday through Friday. **Staff recommends approval with the following conditions:**

1. That the applicant receives approval and remains compliant with all applicable reviewing agencies.
2. That the applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.057 Specific Operational Requirements – Class D Home Occupation.
3. That the hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday.

4. That the outdoor play area be used no earlier than 8:00 a.m.
5. That no more than 12 children, including the caregiver's own children under age six and not yet in full day school, attend the day care.
6. That the child drop off area be located in the driveway and that a safe and illuminated means for the children to access the dwelling be provided.
7. That the day care does not detract from the residential character of the dwelling.
8. That only a name plat sign, attached to the main building and no larger than 3 square feet be allowed.
9. That the day care obtains permission from the State of Utah prior to a business license being issued.
10. That the conditional use permit is reviewed upon substantiated or unresolved complaint.

7.2 **APPLICANT ADDRESS:** Mrs. Jaramillo was present but did not speak.

7.3 **SPEAKING:** 19:51:27 James Papastamos was concerned about the increase in traffic and wants to make sure the area remains residential rather than commercial.

7.4 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR MOTION:** 19:53:03 Commissioner Calacino wondered if there have been complaints from neighbors about day care home occupations previously approved by the Commission and Mr. Norris said there were none that staff knew of. 19:54:16 Commissioner Daniels wanted to know if the fact that parents drop off and pick up their children would have an adverse impact on the neighbors and Mr. Norris said that the 26 maximum trips per day probably would not be noticed. Commissioner Smith 19:55:10 questioned the starting time of 6:00 a.m. and Mr. Norris said it was in compliance with the ordinance, which allowed 6:00 a.m. to 8:00 p.m. Also that the Planning Commission has the authority to grant extensions of time if the need is substantiated. Commissioner Overson commented that with this application, as well as with any home occupation, there is a condition of review upon substantiated or unresolved complaint, wherein neighbors have the avenue to complain to the City if there is a perceived negative impact.

7.5 **MOTION:** Commissioner Barbour - I move that File 8H06 be approved with staff recommendations, based on findings of fact and testimony heard this evening.

SECOND: Commissioner Daniels

Commissioner Overson restated the motion. 19:59:05

VOTE: All Commissioners voted in favor. Motion passes unanimously.

ZONE CHANGES

8. 4Z06 Robert Larsen, 3457 W. 4700 S. – Zoning Map Amendment from R-1-8 to MD-1.
(Nick Norris/City Planner)

19:59:35

8.1 Mr. Norris oriented on the site plan, aerial map and images. The applicant intends to convert the existing residential dwelling into an insurance office and build three single family detached homes on the back portion of the property. The property would be subdivided and the residential lots would be at least 8,000 square feet. The Taylorsville General Plan designates this area as "Residential Business", which is generally given to properties that are transitioning from single family residential uses to professional office and other similar uses. **Staff proposes the Commission give a positive recommendation to the City Council based on the following reasons:**

1. The request is consistent with the Taylorsville General Plan designation of low density residential.
2. Rezoning the property does not adversely impact the surrounding neighborhood.
3. The development of the lot under the MD-1 zone will fulfill the purpose of the MD-1 zone and the General Plan by creating a buffer between 4700 South and the existing residential neighborhood to the south.

8.2 **DISCUSSION:** Commissioner Calacino advised that if the zone change is approved, it does not guarantee development of the land as proposed by this applicant. Mr. Norris said that was correct but whatever is proposed there will have to come back before the Commission for approval. Commissioner Jensen wanted to know how this use fits in with the new General Plan and was informed by Mr. McGrath that the new plan designation is medium density and probably not a good fit. Commissioner Calacino said that MD-1 allows medium residential but for this area the Commission would probably look at office rather than residential. Mr. Norris said that this application is being submitted under the old General Plan and 20:06:03 Mr. McGrath added that property rights are determined by zoning rather than the general plan anyway.

8.2 **APPLICANT ADDRESS:** Mr. Larsen was present but did not speak.

8.3 **SPEAKING:** None.

8.4 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR MOTION:** **Commissioner Calacino** was of the opinion that the only item for discussion this evening is whether or not to limit or look at the list of uses. **Mr. Norris** read aloud the list of permitted and conditional uses for this zoning at this point.

8.5 **MOTION: 20:12:20 Commissioner Daniels - I would move that we give a positive recommendation to File 4C06 based on findings of fact, positive staff recommendation and conditions set forth in their staff report and lack of adverse testimony from citizens tonight**
SECOND: Commissioner Calacino
Commissioner Overson restated the motion. 20:13:11
VOTE: All Commissioners vote in favor. Motion passes unanimously.

9. 2Z06 **James Riche, 3507 W. 4700 S.** – Zoning Map Amendment from R-1-8 to MD-1.
(Nick Norris/City Planner)

20:13:39

9.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant intends to convert the existing residential dwelling into an insurance office. The applicant is currently operating a home occupation on this property with customers coming to the home. The applicant has indicated that they may convert the basement to an apartment and rent the basement as a residential unit. The Taylorsville General Plan designates this area as “Residential Business”, which is generally given to properties that are transitioning from single family residential uses to professional offices and other similar uses. **Staff proposes the Commission give a positive recommendation to the City Council based on the following reasons:**

1. The request is consistent with the Taylorsville General Plan designation of low density residential.
2. Rezoning the property does not adversely impact the surrounding neighborhood.
3. The development of the lot under the MD-1 zone will fulfill the purpose of the MD-1 zone and the General Plan by creating a buffer between 4700 South and the existing residential neighborhood to the south.

Added: CC reviews these applications.

9.2 **APPLICANT ADDRESS:** **Mr. Riche** was present but did not speak.

9.3 **SPEAKING:** Dennis Pearson spoke in favor of this proposal. **20:17:11**

9.4 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR MOTION:** **Commissioner Calacino** suggested it may be a realistic time for the applicants for File 4Z06 and 2Z06 to talk with other property owners along 4700 South to see about rezoning the while strip of property in between.

9.5 **MOTION: Commissioner Bolton - I would make a motion for a positive recommendation to the City Council for Application #2Z06. 20:19:08**
SECOND: Commissioner Calacino
Commissioner Overson restated the motion.
VOTE: All Commissioners voted in favor. Motion passes unanimously.

CONDITIONAL USES

10. 4C06 **Steve and Dana Runyan, 3647 W. Christy Hill Way 5240 S.** – Animal Hobby Permit.
(Nick Norris/City Planner)

20:20:25

10.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting to have three dogs, which include a 40 pound Border Collie that is currently licensed, a 30 pound mixed breed and is currently licensed and a 15 pound Shitzu that is not licensed. All of the animals are sterilized. Animal Services has indicated that there is a history of animal related issues occurring at this address.

- **Staff recommends denial for the following reasons: There is a history of animal related issues occurring at the applicant's address related to nuisances that are detrimental to the health, safety and general well-being of people living in the area. 20:20:43**
- **If the Planning Commission determines that enough testimony and evidence is presented to demonstrate that the animals are not a nuisance and can be cared for and maintained in a manner that is consistent with all applicable City Ordinances, staff recommends approval of the application as submitted, with the following conditions:**
 1. That the applicant receives approval from and remains compliant with all requirements of applicable reviewing agencies (i.e., Salt Lake County Animal Services, Salt Lake Valley Health Department, etc.).
 2. The applicant shall comply with all requirements of the animal hobby permit as stated within the City of Taylorsville Code of Ordinances, Title 8, Animals, and any other applicable City Ordinance.
 3. That the Conditional Use Permit is subject to review upon substantiated and unresolved complaint. Complaints which cannot be resolved by City Staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.
 4. That the applicant individually licenses the animals. This includes renewing the license and the permit on a yearly basis.
 5. That the applicant provides proof of sterilization to Salt Lake County Animal Services for the third dog.
 6. That the permit is valid for the Shitzu only. If the applicant chooses a different breed or animal, an application to amend the permit must be submitted by the applicant to the City for review.

10.2 **APPLICANT ADDRESS:** Steve and Dana Runyan were present and indicated that the neighbor boy had let their dog out and that Animal Control had responded immediately and the animal is no longer there. They have since put a lock on the fence. They also advised that the parking problem with the non-compliant gravel base has been fixed. 20:23:13 The permit is for the unlicensed Shitzu.

10.3 **SPEAKING:** None.

10.4 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR MOTION:** Commissioner Barbour asked if this proposal was noticed to the neighbors and was informed it was. She felt that there would be no problem granting this application because the offending animal is no longer there and the fact that there have been no complaints from the neighbors this evening. 20:30:24

10.6 **MOTION:** 20:30:36 Commissioner Calacino – I will make a motion that we grant approval of Application 4C06 for an Animal Hobby Permit for the Runyan family at 3647 West Christy Hill Way for the keeping of three dogs, based on the findings of fact, oral testimony and discussion amongst the Planning Commissioners and the applicant. The recommendation is to approve this application with the six conditions as outlined by staff, one of the most critical being that the use is reviewable upon complaint.

SECOND: Commissioner Barbour 20:31:18

Commissioner Overson restated the motion for approval.

<u>VOTE:</u>	<u>Commissioner Daniels</u>	<u>NAY</u>	<u>Commissioner Smith</u>	<u>AYE</u>
	<u>Commissioner Calacino</u>	<u>AYE</u>	<u>Commissioner Jensen</u>	<u>AYE</u>
	<u>Commissioner Barbour</u>	<u>AYE</u>	<u>Commissioner Bolton</u>	<u>AYE</u>
	<u>Commissioner Overson</u>	<u>AYE</u>		

Motion passes 6 to 1.

11. 6C06	<u>Joseph L. and Nancy Burris, 3524 W. Legacy Villas Road</u> – Animal Hobby Permit. (Nick Norris/Planner)
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20:32:06

11.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is asking to have three dogs, which include a 14.5 year old Toy Poodle (7 pounds), an 11 year old Toy Pomeranian (6 pounds) and a 16.5 year old Lasso Opsa-Scotch mix (25 pounds). All of these animals are indoor dogs and have been sterilized. The applicants recently moved to Taylorsville and the animals are currently licensed in the jurisdiction from which they moved. The applicants now live in one of the condominiums in Legacy Village Development, which have four units per structure. Animal Services has indicated that there is no history of animal related issues occurring at this address. **Staff recommends approval with the following conditions:**

1. That the applicant receives approval from and remains compliant with all requirements of applicable reviewing agencies (i.e., Salt Lake County Animal Services, Salt Lake Valley Health Department, etc.).
2. The applicant shall comply with all requirements of the animal hobby permit as stated within the City of Taylorsville Code of Ordinances, Title 8, Animals and any other applicable city ordinances.
3. That the Conditional Use Permit is subject to review upon substantiated and unresolved complaint. Complaints which cannot be resolved by City Staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.
4. That the applicant individually licenses the animals. This includes renewing the license and the permit on a yearly basis.
5. That the applicant provides proof of sterilization to Salt Lake County Animal Services for the third dog.
6. That the applicant identifies which animal the permit is for and makes the City aware of that specification.

11.2 **APPLICANT ADDRESS:** Joseph Larry Burris. The dog in question is an 11 year old named Muffy and has been spayed. [20:35:51](#) All are inside dogs and are considered to be part of the Burris family". He was aware of some negative comments from the neighbors about some owners not cleaning up after their animals but that he took great care of his animals and kept them and their area very clean. [20:41:32](#)

11.3 **SPEAKING:** None.

11.4 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR MOTION:** Commissioner Overson indicated that the Commission had received two comments regarding the application, both of which were not in favor of it. [20:42:05](#) Commissioner Barbour interjected that she had also read the letters and found they were not negative towards this particular owner, just animals in general.

11.5 **MOTION:** [20:42:39](#) Commissioner Barbour - I move that this Commission approves 6C06 with staff recommendations.
SECOND: Commissioner Calacino
VOTE: All Commissioners voted in favor. Motion passes unanimously.

<p>12. 28C05 <u>Nathan Coulter, 2192 W. 5400 S.</u> – Car Wash. (Nick Norris/City Planner) (Conceptual)</p>
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[20:43:35](#)

12.1 **Mr. Norris** oriented on the site plan, aerial map and images. This is an amendment to a preliminary approval granted in 2005. The applicant has changed the approved site plan. The approval was for 7 wash bays with two being self service automatic washes and 5 being self serve manual washes. The requested amendment includes one automatic wash bay similar to what is found at a gas station and also a drive through car wash that is fully contained within a building, similar to a Super Sonic or Bischoff's car wash. This is a new type of concept and difficult to understand. Vehicles would enter the site and travel to the pay station. They would pay for their wash and vacuuming and then continue on. The vehicle is pulled through the car wash on a conveyor belt. The driver will remain in the vehicle throughout the duration of the wash cycle. For the smaller wash bay, the washing equipment moves while the car is stationary. Both wash bays have air dryers at the exit to the car wash. The vacuum stations are located behind the wash area. The vacuum stations along 2200 West are covered. The mechanical equipment for the vacuums is fully contained inside of the main building. When finished, the cars would exit through gates. The exits have a bar that goes up and down similar to a parking garage. The gates are in place to keep people from using the vacuums without paying. Although this is an amendment, the proposal is dramatically different than the plan that received preliminary approval. There is not enough detailed information on the submittal to do a preliminary review. In order to adequately review the amendment, staff will require the applicant to submit updated site plans and building elevations. **Staff Recommendation: This is conceptual and does not require a recommendation from staff or a decision from the Planning Commission. Instead, it provides an opportunity to be introduced to the project and discuss as many potential issues and solutions as possible.**

12.2 **DISCUSSION:** [20:53:08](#) Mr. Norris advised that the City Council had amended the zoning conditions to allow this type of use on this site.

12.3 **APPLICANT ADDRESS:** Dean Erickson. [20:56:26](#) Mr. Erickson advised that the cycle per car through the car wash is 3 ½ minutes, therefore, there could be 90 car services per hour conceivably but estimated that it would be closer to 60 cars per hour on the average. He asked for comments by the Commission as to their thoughts relative to this proposal.

- **Commissioner Overson** [20:57:28](#) expressed concern over the number of vacuums. **Mr. Erickson** said that he too felt that was a bit excessive and would rather replace some of them with internal landscaping. He advised there were three different styles of vacuums and the one chosen by the owner was one with a central motor. **Commissioner Overson** asked if there were a car wash similar to this one in the valley where she could go look at it and he suggested the one at 1300 East 7700 South was very similar.
- **Commissioner Smith** [20:59:54](#) felt that 90 cars per hour exiting on 2200 West was too many. **Mr. Erickson** said 90 cars was a high estimate.
- **Commissioner Barbour** added that this proposal was very different than the first proposal and wanted a more up to date site plan for review.
- **Commissioner Jensen** asked if Mr. Erickson would be taking the comments back to the owner, to which he replied in the affirmative. **Commissioner Jensen** added his comments that he felt the number of vacuums was excessive and would prefer more landscaping, i.e., trees rather than a covered structure for the vacuums.
- **Commissioner Daniels'** suggestion was that the vending machines not be available after hours and offer enticement for vandalism. [21:05:52](#)
- **Commissioner Calacino** offered that he would like more effort put into the type of architecture being proposed. **Mr. Erickson** stated that the applicant had apparently drawn the elevations on his own and was sure there would be a marked improvement for the next meeting. [21:07:38](#) **Commissioner Calacino** added that he was not a fan of covered vacuum areas and would prefer pulling the canopy away from the street, add enhanced landscaping, fencing and improve circulation on the site. Need architectural harmony for the fences and to try to add more landscape islands. He did like having the building close to the street as proposed. He did not feel the parking proposed in front of the check in bays will work very well.
- **Commissioner Overson** [21:10:09](#) said that with the other application, the Commission granted preliminary but now this plan is totally different from that which was approved. She wanted to know if this meant it was a huge amendment or a totally new plan. [21:11:07](#) **Mr. Norris** informed her that this site plan will replace the preliminary one through conditional use approval. [21:11:51](#) If there is a reason to deny this proposed amendment, the first one stands.

12.3 **SPEAKING:** None.

12.4 **No motion is required for conceptual review.**

SUBDIVISION

13. 6S06 <u>Tim Kehl (Kehl Brothers Construction, LLC), 5796 S. Jordan Canal Road</u> – Six-lot Residential Subdivision. (Preliminary) (Michael Maloy/City Planner)
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[21:12:52](#)

13.1 **Mr. Maloy** oriented on the site plan, aerial map and images. If approved, the subdivision would create five new buildable lots, while the existing residence would remain on Lot 3. The subdivision will be accessed by a new public cul-de-sac street extending from Jordan Canal Road. All other existing structures contained within the proposed subdivision boundary will be demolished. **Staff Recommendation:** Findings of Facts: (A) Proposed development complies with the current Taylorsville General Plan Map; (B) Proposed subdivision complies with minimum area requirements of the A-1 Zone; (C) Preliminary subdivision plat reasonable demonstrates the viability of subdividing the property in a manner that would be compliant with development requirements of the City. Based on these findings of facts, **Staff recommends preliminary approval with the following conditions:**

1. **[Changed by Motion]** Applicant must receive approval from all applicable reviewing agencies of the City (i.e., City Engineer, Unified Fire Authority, Taylorsville-Bennion Improvement District, etc.), prior to recordation. **Added: Approval from the Canal Company and Salt Lake County Flood Control.**
2. Under the authority of the Planning Commission, Staff shall administrate final review of the subdivision plat.
3. Applicant shall design and submit an engineered storm drainage master plan that is acceptable to the City Engineer.
4. Applicant shall provide to the City copies of all necessary storm water discharge permits required by the City Engineer.
5. Applicant shall provide for technical review setback measurements from property lines of adjacent, existing structures.
6. Applicant shall provide street name and property addresses for each parcel within the plat.

7. Applicant shall contact the Salt Lake County Recorder's Office and verify record-ability of the subdivision plat (including proposed subdivision name and addressing) prior to final submission of subdivision plat to be recorded.
8. Applicant shall pay all required fees prior to final approval of the subdivision plat, including impact fees and recordation fee.
9. Developer shall be responsible for the installation of all public improvements including the planting of 2" caliper (minimum) park strip trees. Park strip tree species shall be approved by Staff. Trees shall be planted on 25' centers. Spacing may be adjusted due to species selection or conflicts with public improvements such as meters, hydrants, street lights, or drive approaches but may not be reduced in number.
10. **[Added by Motion] If so found by the City Engineer or other documentation, that the existing bridge needs to be improved or widened to accommodate the development, that that takes place.**
11. **[Added by Motion] To make a recommendation to the City Council under the Highway Ordinance (Exceptions), Title 14.12.150 to formally waive the requirement for the sidewalk for the development and possibly even curb and gutter based on the surrounding area being private lanes with asphalt, no curb, gutter or sidewalk and to possibly adopt the street section as diagrammed and shown in the 4800 South Small Area Master Plan where there is a swale, informal pedestrian walkway and large trees, etc.**
12. **[Added by Motion] Stipulation that this development will only have six lots total.**

12.2 **APPLICANT ADDRESS:** **Tim Kehl** 21:19:10. **Mr. Kehl** advised that they appreciated staff's recommendations and have no problems conforming with all of them. The present property owners are downsizing their property and this will be a nice project with a country-like atmosphere. **Mr. Kehl** would like to be able to install a rolled gutter instead of curb, gutter and sidewalk and would trade additional amenities if that is approved. They have received preliminary approval for their drainage plan but as of this date do not have the report on the requirements needed for the bridge. It is 30' wide and he did not anticipate having to widen it. 21:21:43.

12.3 **SPEAKING:**

1. **Marty and Audrey Price.** The Price family lives directly west of the development and their main concern was to preserve their view. 21:23:26 They were concerned over the height of the houses being built. Also they presently are on a septic tank and wanted to know if they would be able to connect to the sewer system through this new subdivision. Another perceived problem is that they have horses on their property and wanted to make sure that would not change. 21:24:57 They questioned if these were single family homes, why they were so large and tall. **Commissioner Overson** 21:25:59 asked Mr. Maloy if the single level proposal was supposedly one floor with a basement and he advised that it was, however, there can be some habitable space above the first floor.
2. **Scott Farrell.** (Lives adjacent to this property). 21:27:50 He wanted to keep the lots at least a half acre.
3. **Doug Benz.** **Mr. Benz** has built two homes along the Canal Road and wants to make sure this proposal retains the country setting with no sidewalks, curb and gutter. He also would like to have minimum half acre lots.
4. **Diane Cliff Lewis.** 21:29:32 (Lives directly behind the development). **Mrs. Lewis** commented that when they move there they were told that all homes must be lower level ramble styles on half acre lots. She suggested that the developer building just three homes on the site and make them higher end in order to achieve the same financial benefit. She felt six homes was too many.
5. **Denis Morrill.** 21:32:58 **Mr. Morrill** preferred smaller lots than half acre because most families just starting out could not possibly afford the price to live in that pristine area.

12.4 **DISCUSSION:**

- **Commissioner Overson** asked the applicant to address concerns brought up by the neighbors. 21:34:23 **Mr. Kehl** said that they want to be up front with the neighbors and cannot guarantee there will be no two story homes built there and agreed that the loss of view impacts everyone. Regarding the septic tank system on the Price property, the sewer system is proposed to be only for this project. On the lot size, the lots are not half acre but are very large and said they needed

the density proposed in order to come out financially. Regarding the fencing, **Mr. Kehl** plans to keep it consistent with what is already there.

- **Mr. Maloy** [21:40:25](#) advised that the A-1 zone allows 10,000 square foot lots. Private roads require half acre if over three lots, however, in this situation, it is a public road, so that is not a factor. [21:41:21](#). Current zoning also allows two story structures. The sewer issue for surrounding properties is separate from this proposal.
- **Commissioner Bolton** wanted to know if the definition of one story structures included a maximum height and **Mr. Maloy** advised it did not.
- **Commissioner Calacino** suggested that staff review with the applicant the graphic from the 4800 South Small Area Master Plan which shows an alternative streetscape for these types of areas. [21:47:28](#)

12.5 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR MOTION:**

12.6 **MOTION:** [21:49:59](#) **Commissioner Calacino** - Based on information presented this evening on Application 6S06 for a six lot residential subdivision, 5796 S. Jordan Canal Road, I move that we grant preliminary subdivision approval based on findings of fact, oral testimony presented and add to staff's conditions as follows: [21:50:32](#) On #1, I would like to clarify that we do obtain approval from the Canal Company for the use of the canal for storm drainage discharge as well as Salt Lake County Flood Control. On #10, I would add that if so found by the City Engineer or other documentation that the existing bridge needs to be improved or widened to accommodate the development, that that takes place. On #11, to make a recommendation to the City Council to formally waive the requirement for the sidewalk for the development and possibly even curb and gutter based on the surrounding area being private lanes with asphalt, having no curb, gutter or sidewalk in the area to maintain rural character and if possible adopt the street section as diagramed and shown in the 4800 South Small Area Master Plan where there is a swale, informal pedestrian walkway and large trees, etc. Again that is a recommendation to the City Council under the Highway Ordinance Exceptions, Title 14.12, Section 150. If so approved, that would become a condition of this subdivision approval.

SECOND: **Commissioner Daniels.** [21:51:49](#)

DISCUSSION: **Mr. McGrath** - Madam Chair, can I make a request that the alternate street section be approved by the City Engineer prior to going to the City Council? **Commissioner Calacino** - I agree. That the City Engineer approves the alternate street section. **Mr. Maloy** - Would that potentially mean that there might be a narrower cross section then? **Commissioner Calacino** - The public right-of-way might be more narrow but the asphalt width should remain at standard width, which essentially is 30' back of curb. **Mr. McGrath** - That may allow the developer to add a lot in there since there is less right-of-way. **Commissioner Calacino** - I will add to my motion as Condition #12 the stipulation that this development will have only six lots.

Commissioner Overson restated the motion. [21:53:43](#)

DISCUSSION: **Commissioner Barbour** - Didn't I hear something said about big trees? **Commissioner Calacino** [21:56:05](#) - One of the conditions (#9) was that they are required to plant 2" caliper trees in the park strip. Therefore, the determination of the street cross section will determine the width of the park strip. **Commissioner Smith** - [21:56:08](#) What about the fire hydrants, etc.? **Commissioner Overson** - That would be part of the approval process. **Mr. Maloy** - We would still require street lights, fire hydrants, street trees, whether there is a sidewalk or not.

VOTE: All Commissioners voted in favor. Motion is approved unanimously.

ADJOURNMENT: [22:01:04](#) By motion of **Commissioner Calacino**, the meeting was adjourned at 10:00 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Assistant to the
Planning Commission

Approved in meeting held on May 23, 2006.